



San Antonio Alamo Area Local Legislative Updates



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Texas Voter ID Law Struck Down Ahead of November

In a stunning, unexpected decision from one of the most conservative federal appeals courts in the country, the full United States Court of Appeals for the Fifth Circuit handed down a decision holding that a Texas voter suppression law violates the Voting Rights Act because it had a discriminatory effect on minority voters. The court heard this case, en banc, a rarely invoked process where a full appeals court (as opposed to a panel of three judges) meets to decide a case. The vote was 9–6



U.S. District Judge Nelva Gonzales Ramos greenlit the terms presented to her court by Texas and the challengers. She also requested that Texas and the challengers work out the details of the training and education program to instruct poll workers and voters of the softened law's new protocols. She ordered that they present that plan to the court.

Under the terms of the agreement Ramos approved, voters in the state will be able sign a statement affirming their identity and their inability to show one of the forms of required ID. In lieu of one of the forms of required ID, voters will then be able to show a valid voter registration certificate, a certified birth certificate, a current utility bill, a bank statement, a government check, a paycheck or any other government document that displays the voter's name and address.

After reaching the agreement last week, Texas sought to alter it in order to stress the agreement was just an interim remedy to the law. The state further requested that new language be included in the statement to be signed by voters, emphasizing they are swearing under penalty of perjury that they face an impediment to attaining the required forms of ID. The state also asked that language be added to the agreement asserting its legal rights in defending the law. The court denied the two first requests, but allowed the inclusion of language permitting Texas to continue to oppose legal challenges to the law.

Voter ID laws are a common restriction on voting, which are often favored by conservative lawmakers, they address an exceedingly rare phenomenon, voter fraud at the polls. Laws requiring voters to show photo ID in order to vote do create an obstacle to the franchise that is particularly likely to impact racial minorities, low-income voters, students and other groups that tend to prefer Democrats to Republicans. Studies have shown that "Democratic turnout drops by an estimated 8.8 percentage points in general elections when strict photo identification laws are in place," as opposed to just 3.6 percentage points for Republicans.

Plaintiffs had argued the existing Texas law could exclude as many as 600,000 voters, mostly racial minorities such as Latinos and African-Americans and the impoverished who could not obtain the appropriate identification.

The Texas ruling is part of a string of recent court decisions — in Kansas, North Carolina, North Dakota, and Wisconsin — rolling back or striking down voting restrictions ahead of the November election. Across the board, courts ruled that states passed restrictive laws with "surgical precision" to exclude certain voters, including minorities, students, and the elderly.

